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April 8, 2019

District Judge Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Sharpe v. A & W Concentrate Company et al
1:19-cv-00768-BMC

Dear District Judge Cogan:

This office represents the plaintiff in the above action. In accordance with your Honor's Individual Practices, I(E)(1), plaintiff, on behalf of and at the request of defendants, requests an adjournment of the Initial Status Conference ("Conference") on Wednesday, April 10, 2019, 12:00 PM, Chambers 704S, 225 Cadman Plaza East, Brooklyn, NY 11201. I(E)(1) (requiring "a request for adjournment of a court appearance must be made in writing at least 48 hours prior to the scheduled appearance.").

The original date for the Conference was March 21, 2019. There has been one previous request for adjournment of the Conference, based on the undersigned's failure to appear on that date. ECF, March 21, 2019 (Order to Show Cause directing plaintiff to show cause "why sanctions should not be imposed on him for failure to comply with this Court's scheduling order" nor "submit any request to adjourn the conference"). Plaintiff acknowledged and accepted responsibility for this failure. ECF No. 6, March 21, 2019 (Response to Order to Show Cause). The Court granted plaintiff's request and reset the Conference date. ECF Entry, March 21, 2019. Defendants consent to the present request for adjournment and requested plaintiff make this request to the Court. The previously scheduled date was March 21, 2019.

Though plaintiff provided waivers of service to defendants on March 22, 2019, they were not returned until April 5, 2019. ECF Nos. 7 & 8, April 6, 2019 (Executed Waivers of Service for Defendants). Yesterday evening, defendants' corporate counsel, Mr. Harold Busch, in Plano, Texas, requested that plaintiff request an adjournment of the April 10, 2019 Conference on the grounds that outside counsel for the present action has not yet been selected. Mr. Busch informed me that the reason for the adjournment was to avoid having counsel appear before your Honor who may not be representing defendants in this action after the Conference date. Mr. Busch advised me that he expects counsel to be assigned within the next several weeks. Plaintiff does not oppose defendants' request. Mr. Busch is available to corroborate the matters attributed to him in this letter. Plaintiff and defendants thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on April 8, 2019, I served the foregoing upon the person or entity identified below by the indicated method, at their last known address of record (blank where not applicable).

Harold.Busch@kdrp.com

☐ CM/ECF

☒ Email

☐ First-Class Mail

/s/ Spencer Sheehan
Spencer Sheehan